

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 689 OF 2001

AZIM SAMEJA Trading as BUSINESS 2000PLAINTIFF

VERSUS

LAKHASMISHI VIRPAL SHAH.....}

KAMLABEN LAKHAMSHI SHAH.....}

ASHOKHURMAR LAMKHAMSHI SHAH....}

ASHOKHURMAR LAMKHAMISHI SHAH...}

HARSHA LAKHAMSHI SHAH.....}

PRITMALAKHA SHAH

Trading as HIGH PARK INVESTMENTS.....} DEFENDANTS

RULING

The plaintiff received judgment in his favour delivered on 6th April, 2016. There is now before me an application dated 21st and filed on 22nd of June 2016 seeking a review of the said judgment so as to include a sum of Kshs. 2,877,715/= being the sum relating to goods in the form of stock destroyed during the plaintiff's eviction and which was pleaded .

On 27th June, 2016 counsel appearing for the plaintiff and the defendants agreed by consent that the said application be allowed. I have looked at the judgment from page 18 and confirm that the subject of stock was pleaded. This fell under the heading of lost business assets.

From the evidence advanced when the defendants demolished the premises occupied by the plaintiff nothing was salvaged. An inventory of goods destroyed was produced in evidence which the court found to be uncontroverted.

Having been persuaded that the plaintiff had proved loss of the said stock, the sum of Kshs. 2,877,715/= should have been added to the figure of Kshs. 1,674,591/= appearing at page 19 of the judgment, to make a total of Kshs. 4,552,306/=. To that extent the judgment of the court is hereby reviewed and amended accordingly. No order as to costs.

Dated and delivered at Nairobi this 28th day of July, 2016.

A.MBOGHOLI MSAGHA

JUDGE